

1 BRIAN J. STRETCH (CABN 163973)  
2 Acting United States Attorney

FILED  
MAR 15 2016  
SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 14-0318-LHK  
12 Plaintiff, ) VIOLATION: 18 U.S.C. § 4 - Misprision of a Felony  
13 v. )  
14 ) SAN JOSE VENUE  
15 DANA ANN WILKEY, )  
16 Defendant. )

17  
18 SUPERSEDING INFORMATION

19 The United States Attorney charges:

20 At all times relevant to this information-

21 1. Defendant DANA ANN WILKEY was engaged in the business of providing marketing services  
22 through her company, Adwil Agency, Inc. ("Adwil"), which was based in Southern California.  
23 Specifically, Adwil provided Internet-based marketing services to Blue Shield of California ("BSC"), in  
24 San Francisco, California, and elsewhere, pursuant to a contract between BSC and Adwil between 2006  
25 and 2012.

26 2. Defendant had been introduced to BSC and the opportunity to bid for business with BSC through  
27 her prior business and social contact with Skylar Phoenix ("Skylar"), whom Defendant knew to be an  
28 employee with some management authority in the marketing department of BSC.

3. Beginning in or about February 2006, Defendant began to pay Skylar Phoenix a portion of the funds Adwil received from BSC. Skylar represented to Defendant that she was doing work on the Adwil/BSC marketing projects outside of her role at BSC, and she was effectively serving as “project manager” of the account on behalf of Adwil. Defendant failed to make any attempt to independently confirm Phoenix’s statement with others at BSC or Adwil. Instead, Defendant paid her as a consultant.

4. At no time did Defendant attempt to independently verify the truthfulness or accuracy of Skylar Phoenix’s statements that she could work for BSC and simultaneously be a contractor for Adwil. Defendant knew or reasonably should have known such an arrangement, if not properly disclosed and approved, would be fraudulent.

COUNT ONE: (18 U.S.C. § 4 – Misprision of a Felony)

5. Paragraphs 1 through 4 of this Superseding Information are re-alleged as if fully set forth herein.

6. Between in or about February 2006 and September 2012, in the Northern District of California and elsewhere, the defendant, DANA WILKEY, having knowledge of the actual commission of a felony cognizable by a court of the United States, to wit, Conspiracy to Commit Wire Fraud, in violation of 18 U.S.C. § 371, did knowingly conceal and fail as soon as possible to make known the commission of said felony to a judge or other person in civil authority under the United States.

All in violation of Title 18, United States Code, Section 4.

DATED:

3/15/16

BRIAN J. STRETCH  
Acting United States Attorney

  
JEFFREY NEDROW  
Chief, San Jose Office

(Approved as to form: )  
MAIA T. PEREZ  
Assistant United States Attorney

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☒ SUPERSEDING
**OFFENSE CHARGED**

Count One: 18 U.S.C. § 4 - Misprision of a Felony

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

 PENALTY: Maximum imprisonment 3 years  
 Maximum fine \$250,000  
 Maximum supervised release 1 year  
 Restitution \$1,149,342  
 Special assessment fee \$100, potential deportation

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

DANA ANN WILKEY

DISTRICT COURT NUMBER

CR 14-00318 LHK

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI S/A DEVONNE JOHNSON

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form BRIAN STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

AUSA MAIA PEREZ

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

NDCA

**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: